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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,362	10/16/2001	Bernd Hessing	10191/1832	3262

26646   7590   03/11/2008
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EXAMINER
ROBERTS, BRIAN S

ART UNIT	PAPER NUMBER
2619	

MAIL DATE	DELIVERY MODE
03/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/857,362	HESSING ET AL.
	Examiner	Art Unit	
	BRIAN ROBERTS	2619	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>03 December 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>19-37</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>19-37</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

- The finality of the office action dated 12/29/2006 is withdrawn.

Claim Objections

Claims 18, 25, and 31 are objected to because of the following:

- The term "predetermined regulations" is objected to because regulations

    imply a law when in fact the predetermined regulations are simply European

    technical standards.

    Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claims 18-37 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

- In reference to claim 18

Claim 18 is unclear because line 3-4 recite the limitation "transmitting the digitally

coded traffic information according to predetermined regulations" while line 11 recites

always transmitting the digitally coded traffic information according to a subset of

possible options of the predetermined regulations. The claim language is inconsistent

because the digitally coded traffic information cannot be transmitted according to both

predetermined regulations and a subset of the predetermined regulations. Furthermore,

lines 12 are unclear and render the claim indefinite because it is unclear how the

digitally coded traffic information is coded according to the subset when the information

is already coded. Furthermore, the TMC message format does not relate to

predetermined regulations for transmitting digitally coded traffic information. The TMC

message format relates to the format of traffic information.

-    In reference to claim 25

Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being

incomplete for omitting essential elements. The omitted elements are: a receiving unit.

Claim 25 claims a receiver for receiving and processing digitally coded traffic

information, but it is unclear how the receiver can receive the digitally coded traffic

information without a receiving unit.

-    In reference to claim 31

Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being

incomplete for omitting essential elements. The omitted elements are: a transmitting

unit. Claim 25 claims a transmitter for performing a conditioning and transmitting of

digitally coded traffic information, but it is unclear how the transmitter can transmit the

digitally coded traffic information without a transmitting unit. Furthermore, the claim

language does not make sense because the digitally coded traffic information is already

coded and is not re-coded.

-    In reference to claims 19-24, 26-30, 31-37

The dependent claims are rejected as being dependent on the rejected

independent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 18-26, 28-32, and 34-37, as best understood, are rejected under 35

U.S.C. 103(a) as being unpatentable over Israni et al. (US 2002/0194170 A1)

-    In reference to claim 18, 36, 37

In Figures 1-2, Israni et al. teaches a system and method of digitally coding and

transmitting traffic information conforming to the ALERT-C messages standard

established in the RDS-TMC system [Paragraph 0004-0005, 0049] in a traffic message

(50) comprising a plurality of data components (50(1-6)) including other information

(50n) [see Figure 3, Paragraph 0042-0050] from a transmitter (20) via a unidirectional

channel and decoding the digitally coded information at a receiver (11). [Paragraph

0035-0041]

Israni et al. does not explicitly teach the digitally coded traffic information utilizing

a subset of the possible options of the TMC message format or the ALERT-C Syntax

and coding, transmitting, and decoding the digitally coded traffic information utilizing the subset, however, it is well settled that transmitting less data results in a shorter transmission time and a shorter processing time of the data.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the traffic message of Israni to include reducing the size of the traffic message to include a subset of all the possible data components of the traffic message because transmitting a traffic message comprising only subset of the all the possible data components results in a smaller traffic data message containing only desired data components and would yield the predictable result of a savings in transmission resources including a shorter transmission time for the traffic message, and a shorter processing time for the traffic message by the transmitter and receiver.

- In reference to claim 19, 20

In Figure 3, Israni et al. further teaches a method that includes:

- The specification governing a RDS-TMC system provides for data components 50(1)-50(6) (Information options) [Paragraph 0043]

- The data components 50(1)-50(6) provide for a traffic message 50 (information block) [Paragraph 0043]

- In reference to claim 21

In Figure 3, Israni et al. further teaches a method that includes:

- The traffic message 50 (Information block) provides for a data component
  50(1)-50(6) (single-information option) [Paragraph 0043]

- The event component 50(1) includes data that describe a traffic problem
  50(1)(1) (first extent-of-increase symbol) and data that describe a level of
  severity 50(1)(2) (second extent-of-increase symbol) [Paragraph 0044]

- In reference to claim 22

In Figure 3, Israni et al. further teaches a method that includes:

- The extent component 50(4) includes data that identify a length of traffic
  congestion queue with respect to the location 50(2) (item of length
  information) [Paragraph 0047]

- In reference to claim 23

In Figure 3, Israni et al. further teaches a method that includes:

- The advice component 50(6) provides a recommendation for a diversion of
  route [Paragraph 0023]

- In reference to claim 24

In Figure 3, Israni et al. further teaches a method that includes:

- The specification governing the RDS-TMC system provides for data
  components 50(1)-50(6) (Information portion) [Paragraph 0043]

- Data components 50(1)-50(6) provide for Location 50(2) information
  [Paragraph 0048]

- Location 50(2) information is in coded form according to Location Number
  51(1), Location Table Number 51(2), Country Code 51(3), and a direction
  51(4) [Paragraph 0048]

- In reference to claim 25, 30

In Figure 2, Israni et al. teaches a navigation system (110) for decoding digitally coded traffic messages (50) comprising a plurality of data components (50(1-6)) including other information (50n) [see Figure 3, Paragraph 0042-0050] [Paragraph 0054] conforming to the ALERT-C messages standard established in the RDS-TMC system [Paragraph 0004-0005, 0049]

Israni et al. does not explicitly teach the digitally coded traffic information utilizing a subset of the possible options of the TMC message format and decoding the digitally coded traffic information utilizing the subset, however, it is well settled that if data is not present then the data is not and cannot be decoded. Furthermore, it is well settled that decoding less data results in a shorter processing time of the data.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the traffic message of Israni to include reducing the size of the traffic message to include a subset of all the possible data components of the traffic message and decoding the traffic message comprising only subset of the all the possible data components (*decoding the digitally coded traffic information according to*

a subset of possible options of predetermined regulations) because it results in a smaller sized traffic data message containing only the desired data components and would yield the predictable result of a savings in decoding resources including a shorter processing time for the traffic message by the receiver. Furthermore, decoding a traffic message containing only a subset of the possible data components results in utilizing only a subset of predetermined regulations.

- In reference to claim 26

In Figure 2, Israni et al. teaches a navigation system (110) that includes:

- A traffic message receiver (125) for receiving the digitally coded traffic broadcast [Paragraph 0054]

- In reference to claim 28

In Figure 2, Israni et al. teaches a navigation system (110) that includes:

- A processor (112) that receives input from the receiver (125) of the digitally coded traffic broadcast according to conforming to the ALERT-C messages standard established in the RDS-TMC system [Paragraph 0004-0005, 0049]

- In reference to claim 29

In Figure 2, Israni et al. teaches a navigation system (110) that includes:

- A non-volatile memory (116) and RAM (120) for storing digitally coded traffic broadcast.

- In reference to claim 30

In Figure 2, Israni et al. teaches a navigation system (110) that includes:

- A navigation unit (110) for processing an information content traffic message. [0054-0055]

- In reference to claim 31

In Figures 1-3, Israni et al. teaches a system and method of a transmitter digitally coding traffic message (50) comprising a plurality of data components (50(1-6)) including other information (50n) [see Figure 3, Paragraph 0042-0050] conforming to the ALERT-C messages standard established in the RDS-TMC system. [Paragraph 0004-0005, 0049]

Israni et al. does not teach the transmitter digitally coded traffic information utilizing a subset of the possible options of the TMC message format or the ALERT-C Syntax and coding digitally coded traffic information utilizing the subset, however, it is well settled that if data is not present then the data is not and cannot be coded. Furthermore, it is well settled that coding less data results in a shorter processing time of the data.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the traffic message of Israni to include reducing the size of the traffic message to include a subset of all the possible data components of the traffic message and coding the traffic message comprising only a subset of the all the possible

data components (*coding the digitally coded traffic information according to a subset of possible options of predetermined regulations*) because it results in a smaller traffic data message containing only the desired data components and would yield the predictable result of a savings in coding resources including a shorter processing time for the traffic message by the transmitter. Furthermore, coding a traffic message containing only a subset of the possible data components results in utilizing only a subset of predetermined regulations.

- In reference to claim 32

In Figures 1-3, Israni et al. further teaches a system and method that includes:

- A transmitter (20) [Paragraph 0041] for transmitting digitally coding traffic information conforming to the ALERT-C messages standard established in the RDS-TMC system. [Paragraph 0004-0005, 0049]

- In reference to claim 34

In Figures 1-3, Israni et al. further teaches a system and method that includes:

- A TMC coder for coding the digitally coded t information conforming to the ALERT-C messages standard established in the RDS-TMC system. [Paragraph 0004-0005, 0041, 0049]

- In reference to claim 35

In Figure 2, further teaches a system and method that includes:

- A memory for storing a traffic message [Paragraph 0041]

Claims 27 and 33, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Israni et al. (US 2002/0194170 A1) in view of Beyer et al. (US 6070123)

- In reference to claim 27

Israni et al. teaches a system and method that covers substantially all limitations of the parent claim.

Israni et al. does not teach a receiver having a transmitting unit for transmitting a signal including at least one of an information inquiry.

In Figure 1, Beyer et al. teaches a method and system with a bidirectional link, such as a digital GSM network, (column 1 lines 59-62) between a vehicle and a central unit central unit (1) that includes:

- A Mobile Wireless System (3) that inherently includes a transmitter on the vehicle for transmitting a route request consisting of digitally coded route information to the central unit (1) so the central unit (1) can determine a route (column 4 lines 47-53)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system and method of Israni et al to include a transmitter as taught by Beyer et al. because the transmitter allows two-way communication between vehicles and control centers and allows the vehicles to request information from the control centers.

-    In reference to claim 33

Israni et al. teaches a system and method that covers substantially all limitations of the parent claim.

Israni et al. does not teach the transmitter having for receiving a signal including at least one of an information inquiry.

In Figure 1, Beyer et al. teaches a method and system with a bidirectional link, such as a digital GSM network, (column 1 lines 59-62) between a vehicle and a central unit central unit (1) that includes:

- A Mobile Wireless System (3) that inherently includes a receiver for receiving a route request consisting of digitally coded route information from the vehicle so the vehicle can determine a route (column 4 lines 47-53)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system and method of Israni et al to include a receiver as taught by Beyer et al. because the receiver allows two-way communication between control centers vehicles and allows the control center to receive an information request from the control centers.

Response to Arguments

Applicant's arguments with respect to the independent claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN ROBERTS whose telephone number is (571)272-3095. The examiner can normally be reached on M-F 10:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BSR
02/28/2008

/Wing F Chan/
Supervisory Patent Examiner, Art Unit 2619
2/29/08